

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

KELLY MUNNINGS,

DEFENDANT.

**CRIMINAL NO.:** 04-02 Erie

**TYPE OF PLEADING:**

MOTION TO CONTINUE  
EVIDENTIARY HEARING

**FILED ON BEHALF OF:**

KELLY MUNNINGS

DEFENDANT

**ATTORNEY OF RECORD:**

ADAM B. COGAN, ESQUIRE

PA I.D. NO.: 75654

ONE NORTHGATE SQUARE

GREENSBURG, PA 15601

[724] 837-9046

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	<b>CRIMINAL NO.:</b> 04-02 Erie
	)	
KELLY MUNNINGS,	)	
	)	
DEFENDANT.	)	

**MOTION TO CONTINUE EVIDENTIARY HEARING**

AND NOW, comes the Defendant, KELLY MUNNINGS, by counsel, ADAM B. COGAN, ESQUIRE, and respectfully requests that this Honorable Court continue the evidentiary hearing presently set in this matter for October 20, 2006. In support thereof, the following is averred:

1. Undersigned counsel was appointed to represent the Defendant in connection with her pending Motion to Vacate her sentence on or about September 29, 2006.

2. Since the time of that appointment, undersigned counsel has attempted to assemble and review the necessary materials so as to properly represent the Defendant in connection with this matter. Despite counsel's best efforts, however, it is believed and therefore averred that an additional period of approximately 45 days is necessary in order to allow counsel to properly assemble the Defendant's file and properly prepare for an evidentiary hearing in this matter.

3. Undersigned counsel has communicated with Assistant United States Attorney Marshall Piccinini regarding this matter and Assistant United

Attorney Marshall Piccinini has indicated he has no objection to the continuance of the evidentiary hearing as contemplated herein.

WHEREFORE, it is respectfully requested that an Order enter continuing the evidentiary hearing in this matter approximately 45 days to allow counsel to properly prepare for the hearing.

RESPECTFULLY SUBMITTED,

s/Adam B. Cogan,  
ADAM B. COGAN, ESQUIRE  
PA I.D. NO.: 75654

ATTORNEY FOR THE DEFENDANT